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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ZACHARY IRWIN POND,

9 Plaintiff,

10 v.

11 STATE OF WASHINGTON,

12 Defendants.

CASE NO. 3:21-cv-05339-BJR-JRC

ORDER ON REVIEW DECLINING  
TO RECUSE

13 On April 8, 2022, Judge Creatura issued an Order declining to recuse himself in response  
14 to Plaintiff's "Request for Dispositive Review due to Judicial Misconduct." Dkts. #62 and #63.  
15 In accordance with this Court's Local Rules, this Order was referred to the Chief Judge for  
16 review. *See* LCR 3(e). The Court affirmed Judge Creatura's Order. Dkt. #66. Plaintiff has now  
17 filed a second Motion for Recusal. Dkt. #71. Judge Creatura has again declined to recuse, citing  
18 to much the same law and analysis. Dkt. #74.

19 A judge of the United States shall disqualify himself in any proceeding in which his  
20 impartiality "might reasonably be questioned." 28 U.S.C. § 455(a). Federal judges also shall  
21 disqualify themselves in circumstances where they have a personal bias or prejudice concerning  
22 a party or personal knowledge of disputed evidentiary facts concerning the proceeding. 28  
23 U.S.C. § 455(b)(1). Pursuant to 28 U.S.C. § 144, "whenever a party to any proceeding in a  
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1 district court makes and files a timely and sufficient affidavit that the judge before whom the  
 2 matter is pending has a personal bias or prejudice either against him or in favor of any adverse  
 3 party, such judge shall proceed no further therein, but another judge shall be assigned to hear  
 4 such proceeding.” “[A] judge's prior adverse ruling is not sufficient cause for recusal.” *United*  
 5 *States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Taylor v. Regents of Univ. of Cal.*,  
 6 993 F.2d 710, 712 (9th Cir. 1993) (“To warrant recusal, judicial bias must stem from an  
 7 extrajudicial source.”).

8 The Court has reviewed Mr. Pond’s Second Motion. He argues Judge Creatura has failed  
 9 to follow Rule 17, does not have sufficient “courtroom knowledge,” and that he is attempting to  
 10 “take advantage of a disabled adult.” Dkt. #71. Mr. Pond appears to be referring to Judge  
 11 Creatura’s rulings on the appointment of counsel and/or a guardian. Judge Creatura is correct  
 12 that dissatisfaction with prior judicial rulings is not sufficient cause for recusal. *See Studley*,  
 13 *supra*. There is no accusation of extrajudicial bias. Mr. Pond fails to otherwise set forth a basis  
 14 to reasonably question Judge Creatura’s impartiality.

15 Accordingly, the Court hereby finds and ORDERS that Judge Creatura’s second refusal  
 16 to recuse himself from this matter is AFFIRMED. The Clerk is directed to refer this case and all  
 17 pending Motions back to Judge Creatura.

18 DATED this 20<sup>th</sup> day of May, 2022.

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21 RICARDO S. MARTINEZ  
 22 CHIEF UNITED STATES DISTRICT JUDGE  
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